

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

MELISSA TOMLIN,

Plaintiff,

v.

Civ. No. 17-1084 WJ/GBW

DENISE SANCHEZ, *et al.*,

Defendants.

ORDER TO SHOW CAUSE

THIS MATTER is before the Court *sua sponte*. On March 1, 2019, in response to concerns expressed by Plaintiff in a voicemail message to Chambers, the Court issued an order scheduling a telephonic status conference. *Doc. 45*. In the order, the parties were required to appear by phone on March 13, 2019 at 3:30 p.m. and were provided the telephone number for parties to call. At the hearing, Plaintiff Melissa Tomlin, who is proceeding *pro se*, failed to appear at the appointed time. Defendants' counsel, Carlos Quinones, did appear. The Court waited for ten minutes, then cancelled the hearing. *See doc. 46*.

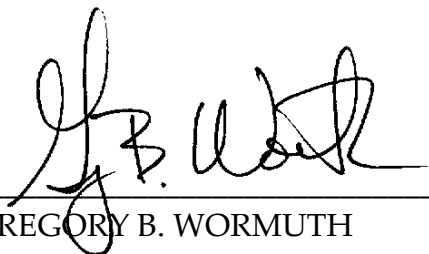
The Court has the inherent power to sanction parties for litigation activities undertaken in bad faith in order to "maintain[] the authority and dignity of the court." *Roadway Exp., Inc. v. Piper*, 447 U.S. 752, 764 (1980) (citation and quotation omitted). Moreover, the Court may dismiss an action under Fed. R. Civ. P. 41(b) for failure to

prosecute, to comply with the rules of civil procedure, or to comply with court orders.

See Olsen v. Mapes, 333 F.3d 1199, 1204 n.3 (10th Cir. 2003).

In light of the forgoing, **IT IS HEREBY ORDERED** that Plaintiff shall show cause in writing not later than **April 15, 2019** why the Court should not assess sanctions against Plaintiff, to include dismissal of her claims. Failure to file a response in writing shall constitute an independent basis for dismissal.

IT IS FURTHER ORDERED that the Clerk shall mail a copy of this Order to Plaintiff Melissa Tomlin at the following address: 411 Schmidt Place SW, Los Lunas, NM 87031.



GREGORY B. WORMUTH
UNITED STATES MAGISTRATE JUDGE